

REMARKS

Claims 1-3, all the claims pending in the application, stand rejected. Claim 1 is amended.
New claims 4-6 are added.

Specification

The Examiner objects to the abstract because it exceeds the 150 word limit. The Abstract has been revised and is submitted herewith.

The Examiner objects to the specification because of confusing language on page 6, lines 31-32 (paragraph [], where the phrase “in a longitudinal direction therof approximately lein a bow to form a slender plate shape.” A change to the specification has been made to correct a mistyping.

Finally, the Examiner objects to the specification because the word spacing is small on various lines making it hard to read and determine the individual words. Applicant traverses this objection for several reasons. First, Applicants assumes that the specification studied by the Examiner was provided by the International Bureau. Applicants have no control over the form of the documents submitted by the IB to the USPTO. Second, the specification now has been published by the USPTO (2006-0151551) and is available in clear and readable form on line. Third, the Examiner presumably uses the electronic file wrapper for examination and has access to the published document. Thus, this basis for objection should be withdrawn.

Information Disclosure Statement

The Examiner noted an error in typing the number of a patent identified in a previous IDS. The Examiner appears to have considered the correct reference since the correct number was identified by the Examiner in the Office Action. Applicants are submitting a new form 1492 that lists the document with the correct number and respectfully requests the Examiner to initial the form.

Claim Rejections - 35 U.S.C. § 112

Claims 1-3 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner notes that the invention is stated as comprising an “elastic body [that] can be attachably/detachably mounted a shoehorn portion of a shoehorn.” The Examiner asks for clarification.

Applicants have amended the claims to make the structure clear and will present a product embodying the invention to the Examiner in an interview so that the meaning is clear or otherwise can be clarified.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 2002-719894 (NS Planning) in view of Chaplin (6,221,034) and Mori (JP 2006-280287). This rejection is traversed for at least the following reasons.

First, the rejection is overcome because the reference to Mori, which the Examiner expressly relies upon for the rejection, is not prior art to the present invention. Mori has a

publication date of April 20, 2006. The U.S. filing date of the present application is February 15, 2006, more than two months prior to the publication date of Mori. Further, the international filing date from which the present application takes priority is December 17, 2004, and the Paris Convention priority date for the PCT application is May 9, 2003. Notably, this is prior to even the priority date of Mori. With Mori withdrawn, the rejection must fail.

Second, none of NS Planning or Chaplin, with or without Mori, teaches the claimed invention, alone or in combination. Thus, the rejection is overcome.

(1) NS PLANNING (published as JP 2002-306554 on October 22, 2002)

NS PLANNING (JP2002-306554) teaches a combination of a shoehorn and a backscratcher. The structure does not have a removeable structure that functions as a body tapper. Thus, the present invention is different from the device taught in JP2002-306554 at least because of (1) a structure that permits secure retention of longitudinal parts when folded and unfolded, and (2) a removeable structure that provides a function of tapping the body, especially the shoulders, as set forth in the claims.

The structure that permits the function of secure retention of folded and unfolded parts is achieved in the present invention by combining two curved members that are joined at a rotation axis, such that the curved members are engaged to produce an elastic force between them. In addition, each of the two members have affixed thereto a stopper (projection), which makes the members secure in their extended or collapsed positions. Furthermore, each of the two members is adapted to have removably affixed thereto a tapper, having a ball-shape, that is removably attached to a member and is useable for patting shoulders.

(2) Chaplin (6,221,034)

The structure in Chaplin relates to a backscratcher with a bent long-handle which makes it easy to use. The grip part is unique but it can not be folded, as in the present invention. Moreover, there is no removeable tapper structure.

As to the other references cited by the Examiner, Applicants wish to point out that they do not remedy the deficiencies of NS Planning or Chaplin, and do not make up for the structure of Mori. In particular:

Carr et al (4,067,487)

The disclosed structure is substantially different from the present invention in that it is merely an aid for a zipper, as a shoehorn is attached to the end of a zipper.

Breithor (3,501,073)

The structure includes a shoehorn, a backscratcher and a hook for zipping but it cannot be folded. Moreover, it does not teach a removeable tapper, as in the present invention.

Colognori (4,615,066)

The disclosed structure consists of a shoehorn and a shoulder patting section. It permits a sponge in the shoulder patting section to be replaced. However, it can not be folded and is not conveniently portable.

Ijio (JPI83111/1984)

A shoehorn, a backscratcher and a shoulder tapper are combined, but it can not be folded and the tapper is not replaceable, as in the present invention. It is not for use during traveling.

Amendment under 37 C.F.R. § 1.111
Application No. 10/535,178

New Claims

New claims 4-6 are presented to define the invention with a focus on the structure permitting replaceability of the tapper on one or both of the grip portion and shoehorn portion.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

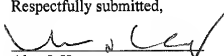
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